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The Caledonian.

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Reported for the Vermont Record.

Speech of Hon. Luke P. Poland.

Delivered before the General Assembly in

Representatives Hall, on the evening of Oct. 24th.

Mr. President and Gentlemen of the Legislature:

I am suffering so severely to-day that it was hardly my purpose to have occupied any time at all in addressing the members of the two Houses upon their invitation contained in their resolutions, but it was insisted by my colleagues that I ought at least to join with them and say a word upon the subject indicated, yet I have no doubt you would have been equally gratified and the time of the distinguished gentleman who have preceded me has been extended so that no remarks could be made by me. It has been no part of my vocation to make political speeches. My duties have been of a different character. First, gentlemen, I appear before you to express my acknowledgments to you and to the people of Vermont for the long continued public favor that has been bestowed upon me and the constant support I have received, and also to return my thanks for your renewed expressions of favor at the present session of the legislature.

I have been invited by the resolutions of that body to address the two Houses upon the subject of the proposed constitutional amendments and political topics connected therewith. For forty years, gentlemen, this country has been governed in the interest of slavery, and for a long period among the people of the north it had been deemed that, at least, we should confine and restrain the institution of slavery to the present slave states—that is, the then present slave states—that it should occupy or spread itself into no more of the territory of the United States. This was as far as the fondest dream of the intense lover of liberty, or the most ardent hater of slavery went—that it should be confined within its then present limitations. It had been claimed that the congress of the United States had no power whatever over the institution of slavery within the states; that the power to remove or retain it remained with the several state governments; that it could not be removed except by a constitutional amendment and no one supposed, then, that they would ever see a constitutional amendment adopted by which slavery in the United States would be abolished. To restrict slavery to its then existing limits was the fondest hope of the most ardent lover of liberty in the north. Upon that issue the people went into a Presidential election in 1860 and succeeded in electing Mr. Lincoln as President of the United States. This was made the occasion for the revolt—although it was not proposed by the people in general that the institution of slavery should be abolished, or interfered with in any way. They claimed that they had the right to settle the matter by ballot—no one claimed they had the power to do any more than this. This was excuse enough for the southern states to attempt the disruption of this government. After four years of bloody war, after the loss of thousands of millions of dollars, and after a loss of almost half a million of lives, and a loss of rebellion throughout the land has been subdued and we now come to the important question of how these states, which have been in rebellion, can be restored to their proper status in the Union. There are two theories upon the point—two policies. One is the policy of congress and is embraced in the constitutional amendments as proposed, and the other is the one termed the policy of the President, or "My Policy." The question now to be decided is—which of these is the right and the true policy. Which will most quickly advance the restoration of the Union. We are met at the outset by this argument on the part of the President and his followers. They say that nobody has any right to impose conditions of any description upon the south until they are represented in congress; that when the rebellion was suppressed these states assumed their former status in the general government; that they came out in all their original strength and beauty, and that nobody has a right to impose a single condition upon them prior to their re-admission into the national congress.

Now, gentlemen, if that is true—if it be true that there exists in this government no power whatever to extend conditions to those who have just retired from a fruitless effort to overthrow and destroy this government, then there is an end of the whole matter at once! That is the "policy" of the President now—what was it when the rebels first laid down their arms? What was his doctrine then? Did he say, that no conditions could or should be imposed upon the rebels? What did he do? The first thing to be done was the appointment of provisional governors over the recently rebellious states. Governor Holden of North Carolina was the first governor thus appointed. These governors were directed to assemble conventions of delegates from the various counties and precincts within these states to meet for the purpose of making and framing new constitutions or amending their old constitutions, whichever might be deemed best, and set them up so that they could be restored to their places in the Union. They were told that prior to taking their places in the Union they must adopt the amendment to the constitution abolishing slavery throughout the United States. They are told, you must put a clause in your constitution that all debt incurred in any form to carry on this rebellion and to support this revolt, that every debt of that sort is void. No question shall ever be raised by any state as to paying any debt of that sort. And yet the President, having done this much, says now that there is no power existing in this government to ask of or impose upon these states any conditions whatever, prior to their admission into the halls of con-

gress! If there was not any right existing in this government anywhere to impose conditions upon the rebel states prior to their re-admission in congress, what right had the President to appoint provisional governors, and call conventions, and tell them on what conditions, etc., etc., they can return to the Union? If there is such a power, gentlemen, in whom does it rest? That is the question, but it is one upon which I need not dwell at length or it has been clearly expounded by the gentlemen who have preceded me. Whose government is this? We have prided ourselves upon having a government which was emphatically the government of the people, that this was a government where the power rested in the people themselves and congress in the representative of the people, gifted with power by the people to make laws for them. The people elect their representatives to meet and make their laws for them and this assembly is the assembly of the people. The congress of the United States, forms and contributes the real law-making power of the people of the United States, and if any body has a right to impose conditions upon the representatives of the late rebellious states it is the law-making power of the government and not the executive power.

Now whether it be true or not that these states have ceased to be rebellious, it is surely true that they did rebel, and that their practical relations as states toward the general government had ceased and were annulled. This is the language of President Johnson himself, that all civil government in these states had been destroyed and that a new civil government was to be set up. Now, in what department of the government did the power rest to do this? Whose business and duty was it to restore these governments? Was it the law-making power of the government, or was it the executive of the government? The man who holds the highest position in the United States is appointed by the people to execute their will merely. It has always seemed to me that no possible question could arise upon this point as to in what portion of the government rested the reconstruction power. There does not seem to me to be room for a single reasonable doubt, and for Andrew Johnson, the executive officer of the nation, to take this matter out of the hands of congress, and out of the hands of the people whom congress represents, is nothing short of rank and downright usurpation on his part. When the rebellion was inaugurated and until armed rebellion was conquered and rebels vanquished the executive officer, as commander-in-chief, had a right, a perfect right, to impose conditions on the rebels, but the rebels, having overthrown the military power of the government, and the imposing of conditions rests with the legislative power of the government—and not with the man who heads the military power during a revolt, and I assert, gentlemen, that Mr. Johnson had no more business to undertake to establish a provisional government in any one of these states than I had. It was a matter that belonged exclusively to congress and to that alone. But we are not disposed to cavil with Mr. Johnson upon that point. So far as he has imposed conditions upon the south, so far as he has required them to repudiate the rebel debt, we say amen. His work is so far complete, but in no manner abridges the power of congress, for the rights or duty of congress. If further conditions are necessary in order to make the union safe, and in order to secure to the loyal people of the government, the effects for which they have carried on a long and bloody war, it is the duty of congress to see that these conditions are imposed. I will take no more time, gentlemen, in discussing the point as to whose duty it was and is, to impose conditions upon the rebellious states. It has always seemed to me that there was no question upon the subject, and no man who pretends to have any knowledge of constitutional law, will say otherwise than that congress is the power, and the only power for the purposes of which I have spoken.

Are these conditions unjust to the south? Do they require any more than we, in justice, have the right to demand when they have rebelled against the government of the nation. When we have been required to suffer such an immense loss of life, and burden the country with such an immense debt, and when so many homes have been desolated, and mournful and sorrowful, have we not a right to require all that these constitutional amendments do require of them prior to their admission into the Union? Is it any more than we ought to require in order to insure the safety of the loyal people of the north? Let us look at these amendments for a very few moments in detail. The first amendment says:

"All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

Now, more than ever before, it is important to have an amendment to the constitution of the United States so that there shall be one universal rule of citizenship throughout the United States. We never doubted in Vermont or in North Carolina but what a person born upon our soil—who should first see the light upon our soil—should live here from that time forward, was a citizen. It was hardly doubted I think, anywhere in the United States until it was brought about by that infamous Dred Scott decision, as

Mr. Edmunds has already told you. That doctrine—that a negro has no rights that a white man is bound to respect—establishes the fact, in some manner, we should have a uniform and well defined rule of citizenship. But there is a great deal more than this in reference to this amendment.

The civil rights bill, vetoed by President Johnson, and passed over his veto by a two-thirds vote, embodies the same principles as are embraced in this article of the amendment, and I have heard it asked: "What is the necessity, while we have the civil rights bill, of adopting such an amendment as this? You assume that congress already possesses the power to pass a law like this, now what do you want to embody this same law in a constitutional amendment, for?" Ah! but don't you know that President Johnson, when he vetoed that bill—the civil rights bill—went into a very long and ingenious argument to prove that the bill was unconstitutional? And has not the Chief Justice of Mississippi decided that it is unconstitutional and void? Have we not a Supreme Court? And is there not some little danger that if there was only a law it would come before them some of these days? We have now on the Supreme Bench, nine judges, which by law are to be reduced permanently to seven by any future vacancies. Four of these concurred in that terrible Dred Scott decision. We have trusted somewhat to Providence that those four would be taken away first—but God in his inscrutable providence may otherwise decree. When we remember that these four men hold the high positions which they do, we should endeavor to place such laws as these above all courts, Supreme or otherwise, and embody them in the charter of our land—the constitution itself. It is said that the veto of President Johnson upon the civil rights bill was written by his present legal adviser, his own attorney general. I don't say much, myself, if the President ever wrote that document himself! There is a great deal of importance attached to this matter, gentlemen. We claim to have the power in congress to pass such a bill as this civil rights bill, but, suppose congress passes such a bill and it is pronounced unconstitutional by the Supreme Court—it cannot well be claimed that we have the right to protect a southern loyal, white man even, under any clause in the present constitution? Suppose the men of the south are elected to office, and have their judges and other officers filled by such men as they choose to elect—where would be the protection of the loyal men—white men if you choose—of the south? I recollect, not long since, of talking with a gentleman from Virginia. He lived in the neighborhood of Culpeper, a Court House and had been employed upon various public works in Virginia and knew him well perfectly. He went with Sheridan upon his raid through the valley and aided our troops in various ways during the war, and he said to me: "Let Virginia be permitted to place such men in office as she should choose to elect, and himself, and every man like himself throughout Virginia in one week would be hanging on a tree." And precisely so with the Freedmen. Unless we adopt this amendment, the men who aided us in the south and are true to our cause there now, will cease to live. They cannot exist unless we give them protection, for the south, if left to themselves in the matter of elections will not place such men in office as will protect them. In every election for state or county officers has any one of my hearers ever read of a Union man being elected? Has a single instance come to the knowledge of any one of you where a man, who has remained a Union man throughout the war—I do not mean such men as Alex. H. Stevens, who professed Union sentiments, but who went with the traitors notwithstanding—I mean a real Union man, has ever been placed in office? If you have heard of such an instance you have heard something that I have not heard, yet! Very little has been said about this phase of this amendment in the discussions in the newspapers, but if we would save the Union men in the south, white or black, it behooves us to see that this amendment becomes a part of the constitution of the United States, and as to its justice and universal propriety I take it no one will undertake to contradict it.

Next comes, gentlemen, the amendment in reference to representation. It reads:

"Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice president of the United States, representatives in congress, the executive or judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state."

We say in this amendment to the people of the south—if you will let the negro vote you may be represented for the whole of them, just as we represent our people. If you say the negro shall not vote and shall take no part whatever in your politics, say they shall not be represented by you. Let the north and the south be represented alike. They think, and say, this is a very hard proposition. "We can have the negroes all about us; they can wait on us and be our servants and we will treat them well; they can come in very near proximity to us in every place and under all circumstances—except

at the ballot box." And we say—very well. Just let them go without voting as long as you please and we will represent them together! They claim that the negroes in the south stand upon the same ground as the non-voting population of the north—the foreigners, men, women and children. In this very state of Vermont, where, perhaps, the right of suffrage is more widely extended than in any other state in the Union, only about one in five have the right of suffrage. Our women and children do not vote. By the ordinary ratio, that is one in five, we are just as much entitled to representation for them as you are for your non-voting population in the south. If it is true that the negroes have been our true friends during our struggle then they are entitled to vote for what they have done, and although our women and children do not fight they are by no means without their influence in the campaign. The voters are made up of the fathers, brothers, sons and husbands, and it is supposed that when they vote for any man they are just as mindful of the interests of the widows, wives and daughters as they are of their own even, and although this community of females are non-voters their interests are just as carefully looked after as though they were voters. Now, can we apply that rule to the south? Formerly it might be said they had a kind of proprietary interest, but how is it now? Is there any identity of feeling between the white and black men of the south? Any interest in common between the white population and the slave who has been freed? Has the black had any rights accorded to him? Except so far as the general government has interfered in their behalf, there has been a general disposition to grind them—the blacks—to powder. They are antagonistic to each other. How do you suppose it would turn out if these people were allowed to vote? Would they elect to office such men as Wade Hampton or Gen. Forrest, or would they take your Charles Sumners? The whole theory, gentlemen, is simply a farce to talk about their standing in the same relation as the non-voting population of the north. We have said to them—just as soon as you will let these people have the right of suffrage, as soon as you will allow them to have power in the south, just as soon and no sooner, will you be allowed to represent them. That is the same rule that is applied to us. Is there anything unjust about it? But, it is said, what need is there of this amendment? What have you people to fear? On this question of representation the north greatly preponderates. Do you admit that you are such cowards and plotters as to fear the influence of this increased representation? That with a large majority in your favor you cannot maintain your rights? I suppose that an answer to that proposition would be difficult to find if we did not look upon it in the light of history! Has not that statement been true for forty years? Have we not had as far back as that a large numerical majority over the south? And how did it come to pass that with superiority in numbers the south has ruled in most of the departments of government? They have contrived, by some means or other, to always find sufficient help in the north to enable them to do it. And it is extremely probable that they can find just such help in the north as they have found heretofore. Is there nothing in our previous history to warrant this assertion?

When the rebellion first broke out, for a moment political creeds were forgotten, and the people all seemed to rise without regard to political differences. But before the war got through, while we were in the very deepest peril of the war, when the country was as it were, in the very agonies of death; while Sherman and his gallant army had struck off into the very heart of the rebellion and it was not known whether he or his brave men would ever emerge again, 60,000 men met in convention at Chicago and resolved that the war for the Union was a failure and ought to be stopped! While the country was in its death struggle and it seemed as if the death throes were on the country, men were found, who, for the sake of getting political power, could say that the war was a failure and ought to be stopped!

A leading gentleman—I would not call him a name—said to me a few days before that Chicago convention, while Sherman's hosts were beleaguering Atlanta—"You talk about taking Atlanta? You might just as well talk about taking —" The wish was father to the thought with him. He desired it to be so. I know of a very great many men who believed it in their hearts and rejoiced at it. Had the war proved a failure and had the south gained the ascendancy do you think it would have troubled these gentlemen much? Do you think it would go very much against the stomachs of these gentlemen? And shall we now extend to such still greater favors? My charity does not run to quite that length!

It is asked—what harm can they do us? We have abolished slavery, now what is left them? What harm is there that they could do to us that makes it so very necessary that we should guard against it by adopting these amendments? I will allude to but just one thing. In carrying on this war we incurred a debt of three thousand millions of dollars. Nearly all of that amount is now due. The great mass of it is held by the loyal people of the north. All the money we have got is founded upon it. It is the foundation of all trusts, all charities, even of every college in the country and of every hospital. The funds of all the widows and orphans in the country are in this government paper. It lies at the very bottom of the business relations of the country. Now, how has this debt been incurred? By putting down the rebellion all the profit that these men in the south

have received, from it, is that it has ruined them. They have lost their thousands of millions of dollars in slaves—all their property nearly. A much larger population probably has been lost in the south than in the north according to their population. Their number of crippled soldiers, widows and orphans, is much larger in proportion to the population than ours. They have incurred pecuniary loss altogether beyond what we have, and every one of their cripples, widows and orphans goes pensionless. This immense debt which we have taken upon ourselves has been rolled up in putting down the southern rebellion, and I don't care what men they send to congress from the south, do you believe there would be a single southern representative that would not prevent by every means in his power the payment of a single dollar of that debt? It is not in human nature that it should be otherwise! If we were in the same serious situation that they are in the same would do the very same thing! Do you think that the men who went out to Chicago in that dark hour in our country's history—do you think it would be possible for them to vote against an appropriation for paying this debt? It does not look either impossible or improbable to me. This is reason enough why we need to guard our interests by the adoption of this amendment.

But I should have gone still farther. I would not have been content, myself, with these conditions. It has always seemed to me to be so unjust in itself that in a scheme of representation to bring these states back into the Union, it was the most cruel piece of injustice to neglect the blacks who aided us so effectually during our dark days of trouble. Out of the black population in the south we got more than 200,000 soldiers to help put down the rebellion. Throughout all the south, when our prisoners escaped, they were aided in every possible way by the blacks. Not an instance has been found where these people refused aid, shelter or help of any kind to our soldiers and friends. Although they were in the power of their masters they were loyal in every instance and true to the flag of the Union, and it did seem to me to be hard that we should propose a plan of reunion by which they would be left out. I would have adopted the good old Vermont rule, where every man, white or black, rich or poor, has a right to vote! That is the rule I believe in. That is the rule I would have been satisfied with and nothing short of it (ap- plause) had it been deemed practicable. But it was believed by the committee on reconstruction—of which my friend who has spoken, Mr. Morrill, was a member—unperceivable that any colored man should be allowed to vote, and it was believed that it would not be adopted by many of the northern states. Connecticut and Wisconsin both have voted against extending suffrage to colored people in those states. Yet we do hope that, as time rolls on, this prejudice against negroes—growing out of slavery in some degree—will cease, and the great desire on the part of the south for political power, will lead to the extending of suffrage to colored men. It certainly seems to me, Mr. President, that they have no right to complain of the propositions embraced in this article: that it is no more than we have a right to require; no more than the interest and safety and perpetuity of this government requires in order to meet that changed state of things that has been brought about by their own overt acts against the constitution and laws of the land.

A word, Mr. President, in reference to the remaining article. We have said to them that any person who has held a position requiring him to support the constitution of the United States, if he shall have held any office, either under the general government in the so-called confederacy, thereby breaking his oath to the constitution of the United States, that he shall not be allowed to hold office under either a two-thirds vote of congress shall decide. Now is there anything wrong in reference to that? We allow any man who has been a traitor merely, who has been guilty of nothing but treason, to be entitled—if he can get through the "test oath"—not only to the right of suffrage, but he may hold office; but, we have said to them that these prominent men who have held up their hands and called upon God to witness that they would be true to the constitution of the United States and then have gone into a bloody war to tear down and destroy the government they have sworn to protect, until you have shown by a sufficient length of good behavior that you have repented the wrong you have done, you shall hold no office until two-thirds of congress say you may. Is there anything rash or unjust in this? Can you point me to an instance in any country where traitors to their government, rebels who have been compelled to submit to their government, have ever been let off on such terms as these? There have been rebellions from time to time in England—not such as we have had exactly, but arising from disputes as to who was the rightful heir to the crown, some questions of genealogy where some one would assert their right to the crown—and whenever this manner of rebels have been subdued have not the streets run with blood, has not their property been taken by the crown, and has any one of these rebels got off with his head? But we say, keep your property, you may even vote, but you cannot take into your hands the reins of government until you shall have shown a sufficient degree of repentance! Was there ever such leniency shown before? I vow not! You may search all history but no instance can be found of any such clemency extended to rebels!

Mr. President, I have said all I ought to say, but will add a word in reference to the opposition shown toward these amendments. Where does the opposition to these constitutional amendments come from? Do you suppose that if these propositions had been made to the south in a month after Lee surrendered that they would have made any cavil about it? They would not have expected to get off on any such terms as these. They would have acceded to something far more severe than anything that is proposed in these amendments. But, in an evil hour, the reins of government fell into the hands of a southern man!

I do not desire to say anything harsh in regard to the president. I have no doubt, myself, that he was thoroughly honest in believing that the plan that he got up was an excellent, good one. But the southern men came about him and deceived him in relation to their sentiments. They reported to him that everything was going on in harmonious style, and that a lenient policy would be very satisfactory to both the north and south. I have no doubt that he did believe that he had got up a scheme that was going to work well. But, when it was put in operation; when they had got "restored" as they believed; when they had elected their members to congress, and supposed—as the boys have it—that they were "out of the woods," then we began to hear from Memphis and from New Orleans. They supposed they had done all that would be required technically, and then began to act out their part of the program. And President Johnson, although he found his policy was working ruin to the interests of the south and to the people of the south, black and white, and ruin to the Union, was too willful and obstinate to alter it.

His policy was inaugurated and set in a frame at the Philadelphia convention. There the party was born—a party to sustain and carry forward this policy of Mr. Johnson! And who made the party? Have you ever heard of a real southern Union man who is in favor of Mr. Johnson or his policy? Do you know a single man that joined in saying that the war was a failure and ought to be stopped, who is not a Johnson man? It is a very strange state of things that all the loyalists in the country were changed in a single moment—in the twinkling of an eye—at this convention which only lasted five hours and at which not a word was said! But it is said that there were some republicans in the Johnson convention. It is true, there were here and there one, but they were farther apart than angels' visits, and if you will look upon their political history you will find just where, by some gravel on the track, they were switched off! (Laughter.) A great attempt was made to cover this over and I think the use they made of these few renegade republicans they had deserves credit—not the veil was too thin.

Mr. President, I have already spoken three times as long as I had intended, but, before closing, I want to say just another word about the president. A great many people are apprehensive of danger and trouble. I have always had a hopeful feeling in fact I belong to the hopeful school of philosophers. I have no fear that when we have gone through this war God is going to desert us now and let Andy Johnson carry us all off to perdition. It is able to take the first step there might be serious danger. Some think he will take the democratic members of congress and put the southern members with them and call it congress, leaving out such as do not believe in it, but this makes me think of the man who wanted to jump very high indeed and started so far back in order to make a good jump that he fell down before he got there!

The first step we have to take is to send loyal representatives from the north, and the recent elections here demonstrate that the people are not to be swayed one jot or one tittle. I have never had any doubt of the result. As far as we have gone, Vermont, Maine, Pennsylvania, Ohio and Indiana have done nobly and will be followed up by New York and we shall not lose a man in congress. I have never felt like despairing. I have never felt the slightest fears that there would be anything different. This idea that turning out a few posturers is going to effect the elections is all moonshine. The president might just as well turn out so many mosquitoes, it seems to me, Mr. President. I have always been accustomed to think and feel that men who belonged to my party belonged to the right party and ought to have the office, and that it was nothing save a little trouble—some to be turned out of office occasionally, but doubt its influencing the vote of any one save the one who is turned out! The influence this will have will amount to little or nothing. We have every reason to presume, Mr. President, and I feel that a glorious future is opening to us. Allow me to thank you again for the support and favor I have received at your hands and for your kind attention. (Applause.)

A spruce young gent of Montpelier, fresh from his Latin studies, recently called upon some young ladies, and being asked by the servant for his name as he sat quietly in the parlor, replied, "Amicus" (a friend). Biddy was a little puzzled, but regaining her composure, in the blindest manner possible observed, "What kind of a cuss did you say, sir?" That cured him of Latin lingo.

A minister out west, having preached the same discourse to his people three times, one of his constant hearers, a strict parliamentarian, said to him after service, "Doctor, the sermon you gave us this morning has had three several readings: I move that it now be passed."

It has been said that the difference between a carriage wheel and a carriage horse is, that one goes better when it is tired, and the other doesn't.

A would-be gentleman, the other day, called at a post office and displayed his ignorance of natural history or the French language, or both, by requesting to be supplied with a stamped envelope.

A man lately enquired for letters at a country post office, was told there was none, upon which he asked if there was not another post office in the place.

Tea-kettles are decidedly Yankee in their melody, they sing through their noses.

Mr. President, I have said all I ought

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